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May 16, 2006

The Honorable Joseph J. Farnan, Jr.
United States District Court
844 North King Street
Wilmington, DE 19801

RE: *LG.Philips LCD Co., Ltd. v. Tatung Company of Amercia, et al.*
C.A. No. 05-292-JJF

Dear Judge Farnan:

On behalf of plaintiff LG.Philips LCD Co., Ltd. ("LPL"), I write in response to Mr. Whetzel's letter [D.I. 195] dated May 15, 2006[1] regarding LPL's withdrawal of its claims under the '121 patent.

On May 1, 2006 LPL did precisely what the Court invited it to do at the April 25, 2006 hearing, namely it withdrew its claims under the '121 patent [D.I. 180]. At the hearing, Your Honor said:

> The first issue that we're going to deal with presented by the parties is the '121 patent. And I'm going to order that counsel for the plaintiff make a determination whether or not they want to pursue infringement claims under that patent by Monday, May 1. **You can drop the patent from the case.**

Transcript, April 25, 2006, at 70:22 through 71:4 (emphasis added).

[1] Mr. Whetzel's letter was filed at 9:20 p.m. EDT, and served by email thereafter. For all practical purposes it was served on LPL this morning.

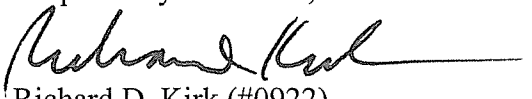
In withdrawing the claims of infringement under the '121 patent from the case, LPL did nothing more and nothing less than "drop the patent from the case." LPL believes that withdrawal of those claims is not tantamount to dismissing them under Rule 41, and is certainly not tantamount to dismissing them with prejudice, as Defendants would like. Rather, LPL believes that withdrawing the claims is the functional equivalent of amending the complaint under Rule 15.

Despite LPL's withdrawal of the infringement claims under the '121 patent, Defendants now want (1) to start taking the very discovery the Court already said would be unnecessary if the '121 claims were withdrawn, and (2) to amend their answers to inject two wholly new claims about the '121 patent into this case that is set for trial in less than two months. The Court should reject Defendants' effort to drag this case off track.

Since LPL no longer asserts affirmative claims against the Defendants in this case for infringement of the '121 patent, any defenses and counterclaims related to that patent are moot as well. Discovery related to any of those defenses and counterclaims is also moot. The trial in July will not involve the '121 patent or the invention embodied therein. That should end the matter. LPL submits that the Court should simply deny Defendants' request for unnecessary discovery[2] and their request for leave to amend their answers and counterclaims.

LPL looks forward to discussing this issue with the Court at the status conference scheduled for tomorrow at 9:30.

Respectfully submitted,



Richard D. Kirk (#0922)

cc: Clerk of the Court
All counsel as shown on attached certificate

[2] This would be essentially the same discovery that Defendants have repeatedly sought and repeatedly been denied. Indeed, it is the subject of Defendants' Motion for Reconsideration [D.I. 134] that the Court recently denied as moot [D.I.185].

CERTIFICATE OF SERVICE

The undersigned counsel certifies that, on May 16, 2006, he electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will send automatic notification of the filing to the following:

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The undersigned counsel further certifies that copies of the foregoing document were sent on May 16, 2006 by email and by hand to the above counsel and by email and first class mail to the following non-registered participants:

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